

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00967-CKK

JUDICIAL WATCH, INC. et al v. U.S. DEPARTMENT OF JUSTICE

Assigned to: Judge Colleen Kollar-Kotelly

Cause: 05:552 Freedom of Information Act

Date Filed: 04/25/2018

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

JUDICIAL WATCH, INC.

represented by **Michael Bekesha**
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ATTORNEY TO BE NOTICED

Plaintiff

**DAILY CALLER NEWS
FOUNDATION**

represented by **Michael Bekesha**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Johnny Hillary Walker , III**
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Date Filed	#	Docket Text
04/25/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF JUSTICE (Filing fee \$ 400 receipt number 0090-5441344) filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Summons US Attorney for DC, # <u>2</u> Summons US Atty General, # <u>3</u> Summons US Department of Justice)(Bekesha, Michael) (Entered: 04/25/2018)
04/25/2018	<u>2</u>	CIVIL COVER SHEET by JUDICIAL WATCH, INC. filed by JUDICIAL WATCH, INC..(Bekesha, Michael) (Entered: 04/25/2018)

04/25/2018	<u>3</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by JUDICIAL WATCH, INC. (Bekesha, Michael) (Entered: 04/25/2018)
04/25/2018	<u>4</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by THE DAILY CALLER NEWS FOUNDATION (Bekesha, Michael); Modified on 4/26/2018 to correct filer's name. (tth) (Entered: 04/25/2018)
04/25/2018		Case Assigned to Judge Colleen Kollar-Kotelly. (zsth) (Entered: 04/26/2018)
04/26/2018	<u>5</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zsth) (Entered: 04/26/2018)
04/30/2018	<u>6</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 04/30/18. (DM) (Entered: 04/30/2018)
05/09/2018	<u>7</u>	ENTERED IN ERROR. . . .RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/7/2018. (Answer due for ALL FEDERAL DEFENDANTS by 6/6/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 5/7/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 5/7/2017 (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Bekesha, Michael) Modified on 5/10/2018 (ztd). (Entered: 05/09/2018)
05/10/2018		NOTICE OF CORRECTED DOCKET ENTRY: re <u>7</u> Summons Returned Executed in FOIA as to U.S. Attorney,,, Summons Returned Executed as to U.S. Attorney General,,, Summons Returned Executed as to Federal Defendant,, was entered in error and counsel has refiled said pleading in the appropriate case. (td) (Entered: 05/10/2018)
05/10/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/7/2018. (Answer due for ALL FEDERAL DEFENDANTS by 6/6/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/07/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 5/7/2018 (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Bekesha, Michael) (Entered: 05/10/2018)
05/21/2018	<u>9</u>	NOTICE of Appearance by Johnny Hillary Walker, III on behalf of All Defendants (Walker, Johnny) (Entered: 05/21/2018)
06/05/2018	<u>10</u>	ANSWER to Complaint by U.S. DEPARTMENT OF JUSTICE.(Walker, Johnny) (Entered: 06/05/2018)
06/06/2018	<u>11</u>	ORDER. The parties shall MEET AND CONFER and file a Joint Status Report by no later than JUNE 26, 2018. Signed by Judge Colleen Kollar-Kotelly on 6/6/2018. (lcckk3) (Entered: 06/06/2018)
06/06/2018		Set/Reset Deadlines: Joint Status Report due by 6/26/2018. (kt) (Entered: 06/06/2018)
06/26/2018	<u>12</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Walker, Johnny) (Entered: 06/26/2018)
06/27/2018		MINUTE ORDER. The Court is in receipt of the parties' <u>12</u> Joint Status Report. The report provides updates on the status of Defendant's search for and review of documents responsive to Plaintiffs' FOIA requests. Defendant has completed some searches and will complete others in the next 30 days. Plaintiffs argue that they "have waited long enough" and request that the Court order Defendant to conclude its review of documents by a particular date and also order Defendant to take certain particular steps in conducting its search. Although Defendants should produce documents on a rolling basis as possible, the Court will not order Defendant to adhere to any particular deadlines at this early stage in the case. Defendant represents that it is diligently processing Plaintiffs' requests and that its search will soon be concluded. The Court will also not make substantive decisions about the adequacy of Defendant's search in

		response to a Joint Status Report. Plaintiffs will have an opportunity to argue about the adequacy of Defendant's search if dispositive motions are filed at a later stage in this case. The parties shall file a further Joint Status Report by no later than JULY 26, 2018. In that report, the parties shall update the Court on the status of Plaintiffs' FOIA requests and propose a schedule for further proceedings, if unnecessary. Signed by Judge Colleen Kollar-Kotelly on 6/27/2018. (lcckk3) (Entered: 06/27/2018)
06/27/2018		Set/Reset Deadlines: Joint Status Report due by 7/26/2018. (kt) (Entered: 06/27/2018)
06/27/2018		Set/Reset Deadlines: Joint Status Report due by 7/26/2018. (dot) (Entered: 07/02/2018)
07/26/2018	<u>13</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Walker, Johnny) (Entered: 07/26/2018)
07/27/2018	<u>14</u>	MOTION for Order of Preservation by DAILY CALLER NEWS FOUNDATION, JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Bekesha, Michael) (Entered: 07/27/2018)
07/27/2018		MINUTE ORDER. The Court is in receipt of Plaintiffs' <u>14</u> Motion for Preservation Order. Defendant shall file a response to this motion by no later than AUGUST 1, 2018. Plaintiffs shall file a reply by no later than AUGUST 3, 2018. Signed by Judge Colleen Kollar-Kotelly on July 27, 2018. (lcckk1) (Entered: 07/27/2018)
07/27/2018		Set/Reset Deadlines: Defendant's Response to <u>14</u> due by 8/1/2018. Plaintiffs' Reply due by 8/3/2018. (dot) (Entered: 07/30/2018)
08/01/2018	<u>15</u>	Memorandum in opposition to re <u>14</u> MOTION for Order of Preservation filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration of Michael Seidel)(Walker, Johnny) (Entered: 08/01/2018)
08/03/2018	<u>16</u>	REPLY to opposition to motion re <u>14</u> MOTION for Order of Preservation filed by DAILY CALLER NEWS FOUNDATION, JUDICIAL WATCH, INC.. (Bekesha, Michael) (Entered: 08/03/2018)
08/06/2018	<u>17</u>	ORDER GRANTING Plaintiffs' <u>14</u> Motion for a Preservation Order. Signed by Judge Colleen Kollar-Kotelly on 8/6/2018. (lcckk3) (Entered: 08/06/2018)
08/07/2018		MINUTE ORDER. The parties shall file a further Joint Status Report by no later than OCTOBER 12, 2018. Signed by Judge Colleen Kollar-Kotelly on 8/7/2018. (lcckk3) (Entered: 08/07/2018)
08/07/2018		Set/Reset Deadlines: Joint Status Report due by 10/12/2018. (dot) (Entered: 08/07/2018)
10/12/2018	<u>18</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Walker, Johnny) (Entered: 10/12/2018)
10/12/2018		MINUTE ORDER. The Court is in receipt of the parties' <u>18</u> Joint Status Report. The parties report that the FBI has completed its review and released responsive, nonexempt records. But, certain records require the FBI to consult with other agencies before deciding whether to release those records. The FBI intends to be finished consulting with other agencies by October 25, 2018 and to complete its final release to Plaintiff by November 1, 2018. The Court ORDERS the parties to file a further Joint Status Report on Defendant's response to Plaintiff's FOIA request by no later than NOVEMBER 19, 2018. Signed by Judge Colleen Kollar-Kotelly on 10-12-2018. (lcckk3) (Entered: 10/12/2018)
10/12/2018		Set/Reset Deadlines: Joint Status Report on Defendant's response to Plaintiff's FOIA request due by 11/19/2018. (dot) (Entered: 10/17/2018)
11/18/2018	<u>19</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Walker, Johnny) (Entered: 11/18/2018)
11/19/2018		MINUTE ORDER. The Court is in receipt of the parties' <u>19</u> Joint Status Report. The parties report that the FBI has completed its review and released all responsive, nonexempt records. But, Plaintiffs dispute the adequacy of the FBI's search and its withholding of information as exempt from release under FOIA. In keeping with the parties' requested briefing schedule, the Court ORDERS Defendant to file a motion for

		summary judgment by JANUARY 28, 2019 and Plaintiffs to file their opposition and cross-motion by FEBRUARY 25, 2019. The Court further ORDERS Defendant to file its reply and opposition by MARCH 25, 2019 and Plaintiffs to file their reply by APRIL 8, 2019. Signed by Judge Colleen Kollar-Kotelly on 11/19/2018. (lcckk3) (Entered: 11/19/2018)
11/19/2018		Set/Reset Deadlines: Summary Judgment motions due by 1/28/2019. Response to Motion for Summary Judgment due by 2/25/2019. Reply to Motion for Summary Judgment due by 3/25/2019. Replies due by 4/8/2019. (znbn) (Entered: 11/21/2018)
01/25/2019	<u>20</u>	MOTION to Stay <i>and for Extension of Time</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Coles-Huff, Doris). Added MOTION for Extension of Time to on 1/25/2019 (jf). (Entered: 01/25/2019)
01/28/2019		MINUTE ORDER. The Court is in receipt of Defendant's <u>20</u> Unopposed Motion for a Stay and Extension of Time in Light of the Lapse of Appropriations. Defendant requests a Stay based on the lapse of appropriations to the Department of Justice. But, as appropriations to the Department have now been restored for at least three weeks, Defendant's motion to Stay is DENIED. Defendant also requests an extension on its deadline for filing its Motion for Summary Judgment, which was due on January 28, 2019. Defendant's motion for an extension is GRANTED. The parties are ORDERED to file a Joint Status Report by FEBRUARY 8, 2019, proposing a new summary judgment briefing schedule. Signed by Judge Colleen Kollar-Kotelly on 1-28-2019. (lcckk3) (Entered: 01/28/2019)
01/28/2019		Set/Reset Deadlines: Joint Status Report due by 2/8/2019, proposing a new summary judgment briefing schedule. (dot) (Entered: 01/29/2019)